

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

<p>DOLL CONSTRUCTION, LLC A Nebraska Limited Liability Company,</p> <p>Plaintiff,</p> <p>vs.</p> <p>AMCO INSURANCE COMPANY, an Iowa Corporation,</p> <p>and</p> <p>UNITED FIRE AND CASUALTY INSURANCE COMPANY, an Iowa Corporation,</p> <p>and</p> <p>CHASTAIN OTIS, INC., a Nebraska Corporation,</p> <p>and</p> <p>BLUE CROSS AND BLUE SHIELD OF NEBRASKA, a Nebraska Corporation,</p> <p>Defendants.</p>	<p>Case No. 8:15-cv-68</p> <p>NOTICE OF REMOVAL</p>
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DEFENDANT AMCO Insurance Company files this Notice of Removal pursuant to 28 U.S.C. §§ 1441(a) and 1332. In support of this Notice, Defendant states:

1. Plaintiff initiated this civil action by filing a Complaint captioned *“Doll Construction, LLC, A Nebraska Limited Liability Company, Plaintiff vs. AMCO Insurance Company, an Iowa Corporation, and United Fire and Casualty Insurance Company, an Iowa Corporation, and Chastain Otis, Inc., a Nebraska Corporation, and Blue Cross and Blue Shield of Nebraska, a Nebraska*

Corporation, Defendants” in the District Court of Douglas County, Nebraska, appearing at Case No. CI – 14-8767, on October 30, 2014.

2. Defendant was served with process by certified mail on or about January 22, 2015.
3. Thirty days following service of the complaint landed on Saturday, February 21, 2015. This Notice is filed on the next business day, Monday, February 23, 2015, and therefore complies with the requirements of 28 U.S.C. § 1446(b).
4. Defendant has not filed any responsive pleadings concerning this case in the District Court of Douglas County, Nebraska, prior to the filing of this Notice of Removal.
5. Copies of all process, pleadings and orders served upon Defendant are attached hereto and incorporated herein as Exhibit “A” to this Notice.
6. Plaintiff has improperly joined two nominal defendants, Chastain Otis, Inc. and Blue Cross and Blue Shield of Nebraska. On the face of Plaintiff’s Complaint, it asserts that Plaintiff, Defendant Chastain Otis, Inc. and Defendant Blue Cross and Blue Shield of Nebraska, are Nebraska corporations, which might otherwise destroy diversity jurisdiction. However, Plaintiff’s joinder of these otherwise non-diverse defendants is illegitimate and improper, for the reason that the complaint fails to state a cause of action against either defendant that could be granted, and therefore no liability could be imposed upon either defendant.
7. Defendant Blue Cross and Blue Shield of Nebraska filed on February 23, 2015 a Motion to Dismiss the Complaint with prejudice for failure to state a claim, pursuant to Nebraska Rule of Pleading § 6-1112. A copy of the Motion to

Dismiss filed by Blue Cross and Blue Shield of Nebraska is attached hereto and incorporated herein as Exhibit "B" to this Notice.

8. The United States District Court for the District of Nebraska otherwise has original jurisdiction over the claims asserted in the state court action pursuant to 28 U.S.C. § 1332(a) and the action may be removed to this Court by Defendant pursuant to 28 U.S.C. §1441(a), as Plaintiff is a Nebraska corporation and Defendants AMCO Insurance Company and United Fire and Casualty Insurance Company, are Iowa corporations, and thus there is complete diversity.
9. The amount in controversy in this action is alleged by Plaintiff to reasonably exceed \$75,000.00 exclusive of interest and costs.
10. Promptly after the filing of this Notice of Removal, written notice will be given by Defendant to all other parties as required by 28 U.S.C. §1446(d), and a copy of this Notice will be delivered to the District Court of Douglas County, Nebraska.

WHEREFORE, Defendant AMCO Insurance Company prays this entire cause be removed from the District Court of Douglas County, Nebraska, to this Court.

DEMAND FOR JURY TRIAL

11. Defendant hereby demands a trial by jury of all issues contained herein.

REQUEST FOR TRIAL IN OMAHA, NEBRASKA

12. Defendant hereby requests that trial be held in Omaha, Nebraska.

DATED this 23rd day of February, 2015.

AMCO INSURANCE COMPANY,
an Iowa Corporation, Defendant

By: /s/Matthew D. Hammes

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CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY certifies that the foregoing was filed in and served by the ECF System of this Court, and that the following person(s) was mailed a copy thereof by United States Mail, on this 23rd day of February, 2015:

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/s/Matthew D. Hammes